

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

DEB HAALAND in her official capacity as
Secretary of the Interior, *et al.*,

Defendants,

and

AMERICAN PETROLEUM INSTITUTE,

Intervenor-Defendant-Applicant.

Case No. 2:24-cv-00820

Hon. Judge James D. Cain, Jr.

Hon. Magistrate Judge Thomas P. LeBlanc

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' THIRD
SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF MOTION FOR STAY
OR PRELIMINARY INJUNCTION**

Plaintiffs argue in their third supplemental memorandum that the mere allegations in an amended complaint filed on December 11, 2024, in U.S. District Court, Southern District of Texas, constitute “pertinent and significant legal developments” essential to this Court’s determination as to whether the final rule at issue in this case is causing irreparable harm to Plaintiffs. ECF No. 90. The Court should disregard Plaintiffs’ latest attempt to portray unsupported and conclusory allegations in an unrelated case as evidence of irreparable harm to Plaintiffs in this case.

Plaintiffs previously referred to this unrelated case, *W&T Offshore, Inc., et al. v. Endurance Assurance, et al.*, Case No. 4:24-CV-3047 (S.D. Tex.), in their Reply in Support of Motion for a Stay Under 5 U.S.C. § 705 or for a Preliminary Injunction. ECF No. 76-2 (Plaintiffs’ Exhibit N). The individual oil company plaintiffs in the *W&T Offshore* case seek relief from an alleged “scheme” whereby their “sureties have colluded to combine their leverage and jointly demand roughly \$250 million in immediate collateral” without justification. ECF No. 90-1, ¶ 1. The *W&T Offshore* plaintiffs allege that defendants “conspired” to use BOEM’s final rule as a “pretext” for a new collateral demand. *Id.* ¶ 114-116. The *W&T Offshore* plaintiffs thus do not even assert that BOEM’s final rule actually caused them harm, but rather that the mere existence of the rule occasioned violations of anti-trust statutes, conspiracy, and tortious interference, among other claims, by surety company defendants. *Id.* ¶¶ 138-177.

The *W&T Offshore* plaintiffs’ theory that the surety company defendants “conspired to use a change in government rules as a pretext to extract outrageous sums from smaller oil and gas companies like [plaintiffs]” is not proof of a substantial threat of irreparable harm to Plaintiffs in this case. *Id.* at ¶ 3. Conclusory allegations do not establish irreparable harm even when they are proffered by movants for preliminary relief, much less when proffered by third parties not before the court. *Lakedreams v. Taylor*, 932 F.2d 1103, 1109 (5th Cir. 1991); *see*

also Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C., 710 F.3d 579, 585 (5th Cir. 2013) (conclusory allegations are not a clear showing of irreparable harm for purposes of a preliminary injunction). As such, the Court should disregard Plaintiffs' third supplemental memorandum, which mistakes an alleged and unproven theory underlying a new collateral demand as proof of irreparable harm in this case.

Respectfully submitted on December 24, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2024, I electronically filed **DEFENDANTS’ RESPONSE TO PLAINTIFFS’ THIRD SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR STAY OR PRELIMINARY INJUNCTION** with the Clerk of Court using the ECF system, which will automatically send email notifications to the attorneys of record.

/s/ Katharine Laubach
KATHARINE LAUBACH